

Development Review Committee

Staff Report

November 19, 2014



Case No:	14waiver1038
Project Name:	New Residence
Location:	7800 Dobson Lane
Owner(s):	Krlos Hidalgo & Esther Baldeon
Applicant:	same as above
Representative(s):	same as above
Existing Zoning District:	R-4
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	22 - Robin Engel
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide sidewalks along the Dobson Lane street frontage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property, zoned R-4 in the Neighborhood Form District, is located off Brentlinger Lane on Dobson Lane in the Southeastern part of the county. The applicant is building a new 2,900 square foot house on approximately 4 acres. Currently the site contains an existing single family structure along with a detached garage. The existing single family structure will be converted into storage or an accessory building once the new house is finished. There are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	Neighborhood
Proposed	Single Family Residential	R-4	Neighborhood
Surrounding Properties			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Subdivision/Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

BL917671: Building permit issued September 25, 2014.

Building permit was revoked until adequate septic was approved by the Health Department. September 30, 2014.

Health Department verified the removal of the original structure from the septic system and approved connection of the new structure to the existing septic system. October 9, 2014

INTERESTED PARTY COMMENTS

Mr. Larry Caudill, a first tier adjacent property owner, provided an email stating his concerns about the construction of the new house on the property and his opinion the waiver should not be granted.

Miss Nancy Myrick, a first tier adjacent property owner, called in favor of the waiver request but concerned about the construction of a second house on a property which already has a house. She wanted to make sure there were not going to be two houses on one single family lot.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver of section 5.8.1.B. to not provide a sidewalk along Dobson Lane.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 1, Policy 3 states that streets are designed to invite human interaction and ease of access through the use of connection and design elements such as bike/walkways to connect with other streets. The request does not meet this guideline and policy, however since there are currently no sidewalks located along the existing street and there are no plans for construction of sidewalks along the connecting street, it is no reasonable for sidewalks to be constructed along this applicant's street frontage.

Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. The request does not meet this guideline or policy, however since there are no topographical conditions which would make the construction of the sidewalk impracticable the required sidewalk could be constructed. However, since there are no plans for sidewalks to be constructed along this street in the future it would be impractical to construct a sidewalk only along the applicant's street frontage.

Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The request does not meet this guideline or policy, however, since there are currently no sidewalks along this street it is not appropriate to construct sidewalks along this properties frontage.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are no sidewalks currently along this street and no plans for sidewalks in the future, this applicant should not be required to provide sidewalks.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has not incorporated any other design measures that exceed the minimum of the district, nor has the applicant compensated for non-compliance with the requirements. However, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant considering there are no other sidewalks along this street nor are there any plans in the future for sidewalks to be constructed along Dobson Lane, therefore it would be unreasonable to require this applicant to construct a section of sidewalk which is not going to be connected to any another sidewalk system.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal does not meet the requirements of the LDC or the guidelines of the Comprehensive Plan, however, considering there are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. It is impractical to require this applicant to provide sidewalks along the property frontage. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a sidewalk waiver established in the Land Development Code.

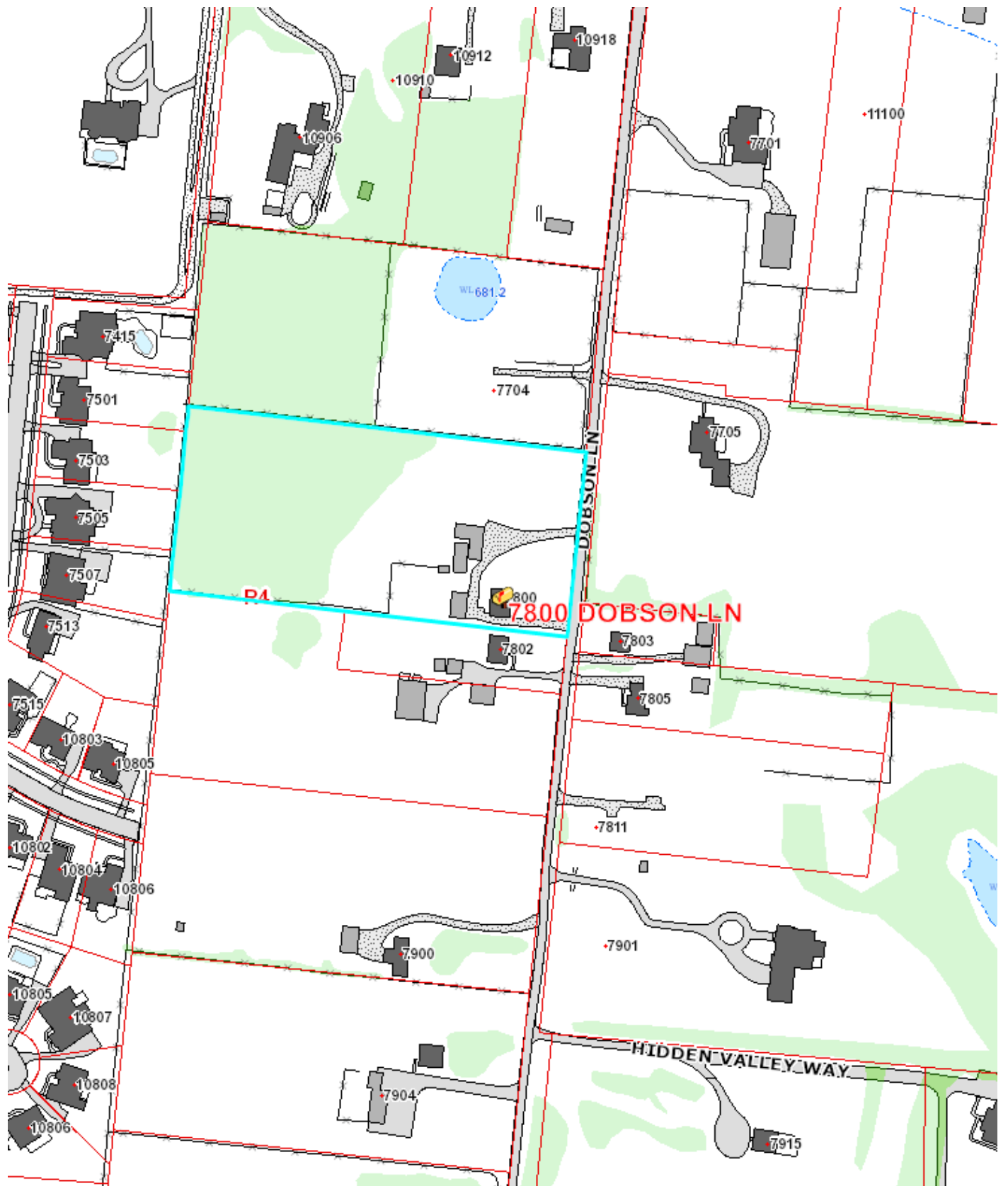
NOTIFICATION

Date	Purpose of Notice	Recipients
11/05/2014	Hearing before DRC on 11/19/2014	1 st tier adjoining property owners. Subscribers of Council District 22 Notification of Development Proposals.

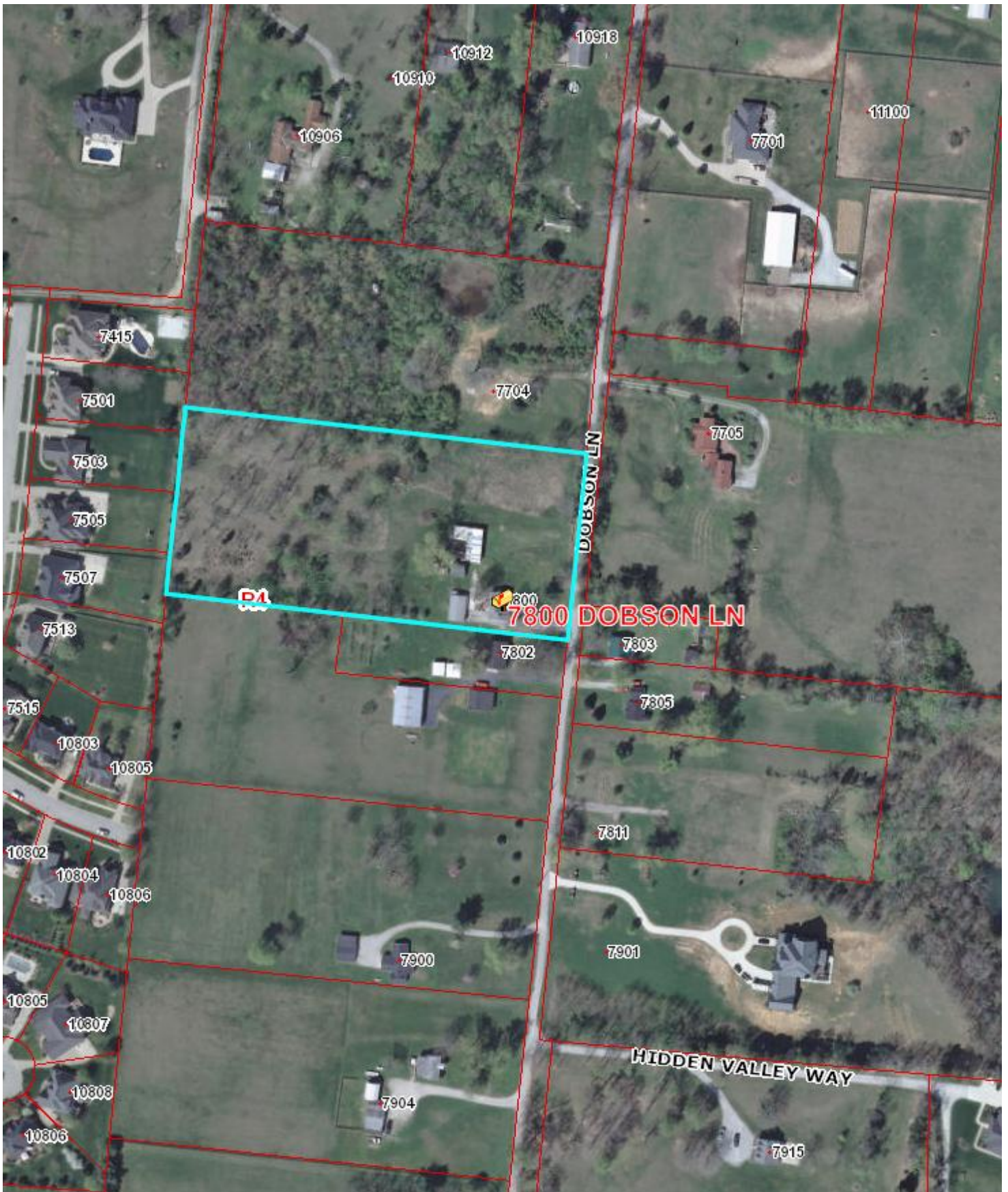
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Plan
5. Applicant's Justification
6. Interested Party Comments
7. Site Photographs

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

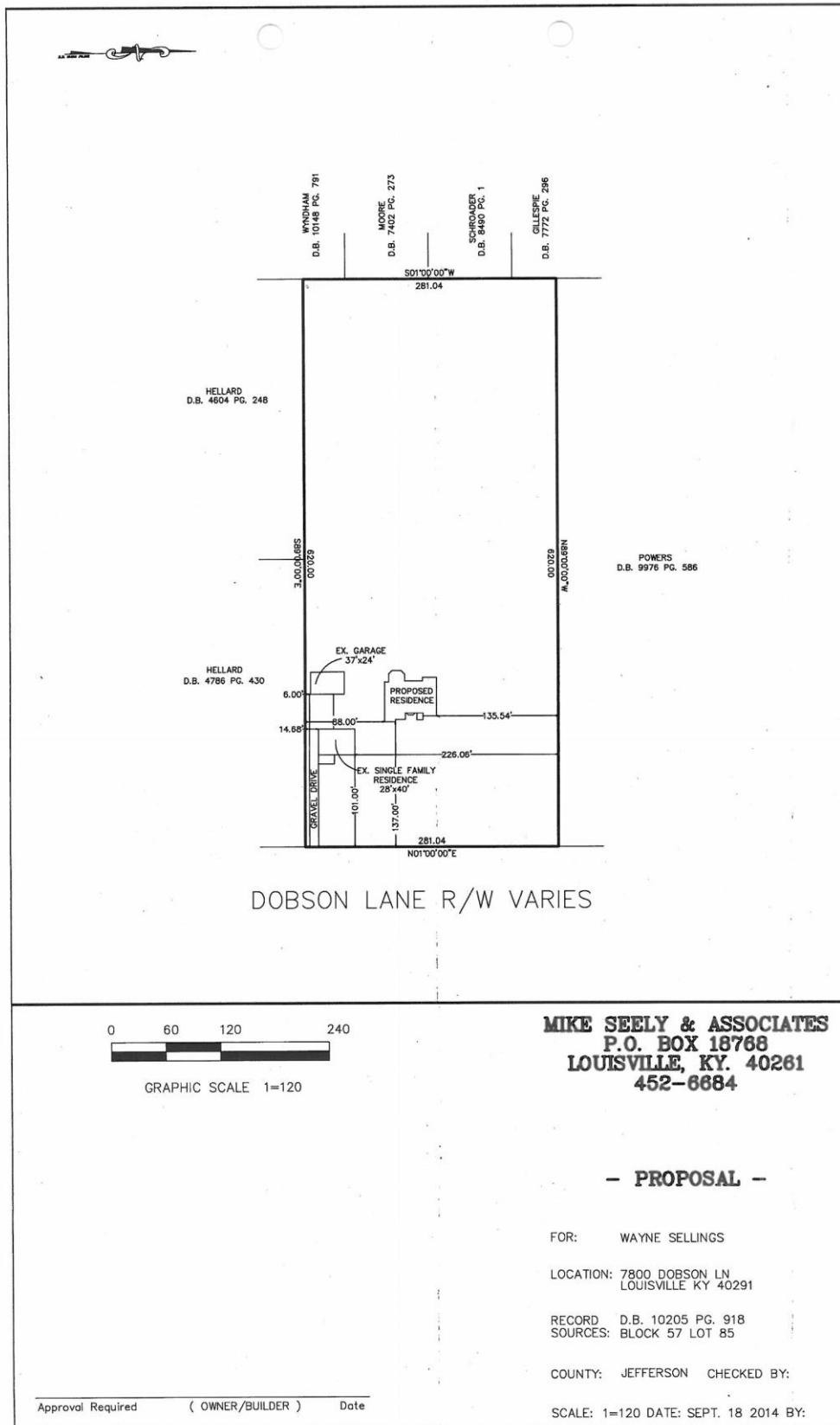
- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Finding	Comments
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Sidewalk Waiver

4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	The neighborhood streets are connected but do not invite human interaction because there are no sidewalks along the streets.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	-	There is no easy access by pedestrians or future transit users because there are no sidewalks provided within the development.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	The proposal does not provide pedestrian access throughout the community. Pedestrians within the community and others walking would not have a safe way to walk into and around the neighborhood.

Attachment 4: Site Plan



Attachment 5: Applicants Justification

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Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

Granting The proposed waiver will not affect the look of the street, and nobody will be benefit by having a sidewalk that starts and ends by our property's frontage only.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

Compliance with the regulations is not appropriate to us because we will be the only property with sidewalks on this street out of 16 parcels. Two of this parcels were built in 2001 (7701 Dobson Ln) and 2011 (7901 Dobson Ln). Sidewalks waiver were granted for them. and grandfathering rule does not apply to them.

3. What impacts will granting of the waiver have on adjacent property owners?

None, because there is not sidewalks on this street at all.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

Because if in the future The city decide to increase The wide of The street (currently Dobson lane is about 12 feet wide), we will have to remove our sidewalk and rebuild another one.

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Attachment 6: Interested Party Comments

Long, Sherie

From: Larry Caudill <larry_caudill@yahoo.com>
Sent: Sunday, November 09, 2014 9:56 AM
To: Long, Sherie
Subject: Dobson In

I live on dobson In. I think the house is being built with the wrong permits. They went around someone to get these permits we do not want anything waived . I think someone should check things out Sent from my iPhone

Attachment 7: Site Photographs



New house under construction



Existing house and garage



Adjacent property to the North



Existing vegetation along Dobson Lane



Looking North down Dobson Lane/ Site is to the left



Looking South up Dobson Lane/ Site is to the right